

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY**

**EXECUTIVE COMMITTEE**

**MINUTES OF PUBLIC HEARING**

DATE ..... March 5, 2003  
TIME ..... 4:30 P.M.  
PLACE ..... CO. OFFICE BLDG.  
20 N. 3<sup>RD</sup> STREET  
LAFAYETTE IN 47901

**MEMBERS PRESENT**

Jack Rhoda  
David Williams  
Jan Mills  
Mark Hermodson  
Jeff Kessler

**STAFF PRESENT**

James Hawley  
Sallie Fahey  
Kathy Lind  
Joanna Grama, Attorney  
Michelle D'Andrea

Jack Rhoda called the meeting to order.

**I. APPROVAL OF MINUTES**

Jeff Kessler moved to approve the minutes of the February 5, 2003, Executive Committee public hearing as submitted. Jan Mills seconded and the motion carried by voice vote.

**II. NEW BUSINESS**

**A. FINAL DETAILED PLANS**

**RESOLUTION PD 03-3: BENJAMIN CROSSINGS, SECTION 1 PLANNED DEVELOPMENT (Z-2076)** Final Detailed Plans (**Final Plat and surety**) for the first section consisting of 206 single-family lots on 57.28 acres at the northeast corner of the CR 450 S and Concord Road, in Wea 15 (NE) 22-4.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

James Hawley read the staff report with recommendation of approval.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, representing the petitioner, stated that the engineering crew for this project was present. He said that the staff report was adequate in describing this petition. He asked for approval.

The Committee voted by ballot 5 yes to 0 no to approve **RESOLUTION PD 03-3: BENJAMIN CROSSINGS, SECTION 1 PLANNED DEVELOPMENT (Z-2076).**

### III. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Jan Mills seconded and the motion carried by voice vote.

James Hawley informed the Committee that **RE-0007—HAGGERTY HOLLOW SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT)** and **RE-0008—MEADOWGATE ESTATES SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT)** needed to be continued to the April 2, 2003 Executive Committee public meeting because no Health Department letter was received regarding either case.

Jeff Kessler moved to continue **RE-0007—HAGGERTY HOLLOW SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT)** and **RE-0008—MEADOWGATE ESTATES SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT)** to the April 2, 2003 Executive Committee regular public meeting. Jan Mills seconded and the motion carried by voice vote.

#### A. SUBDIVISIONS

1. **S-3288—COOK/HALLAR MINOR SUBDIVISION (MINOR-SKETCH):**  
Petitioner is seeking primary approval for a 1-lot subdivision on 1.832 acres, located on the south side of Goldsberry Road, almost ½ mile west of Grant Road in Tippecanoe 17 (NE) 24-3.

Jeff Kessler moved to hear and approve the above-described request. Jan Mills seconded the motion.

James Hawley read staff report with recommendation of conditional primary approval contingent on the following conditions:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained. If there is no mortgage, a mortgage affidavit must be signed and notarized.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.

Joseph T. Bumbleburg, representing the petitioner, stated that Roger Fine, the projects engineer, was present as well as the petitioner. He informed the Committee that this was a subdivision plat that did not require any variances. He mentioned that the conditions set forth by the staff were acceptable and easily met. He asked for approval.

The Committee voted by ballot 5 yes to 0 no to approve **S-3288—COOK/HALLAR MINOR SUBDIVISION (MINOR-SKETCH).**

#### **IV. APPROVAL OF THE MARCH 19, 2003 APC PUBLIC HEARING AGENDA**

##### **NEW BUSINESS**

Jeff Kessler moved that the following items of new business be placed on the February 19, 2003 Area Plan Commission Public Hearing Agenda:

##### **A. REVISED CONTRACT FOR LEGAL SERVICES**

Jan Mills seconded and the motion carried by voice vote.

##### **PUBLIC HEARING**

##### **A. REZONING ACTIVITIES**

Jeff Kessler moved that the following rezoning petitions be placed on the March 19, 2003 Area Plan Commission Public Hearing Agenda:

**Z-2110—AREA IV DEVELOPMENT, INC. (I3 TO R1U)**

**Z-2111—R. GREGG SUTTER (A TO RE) (Gray Mare South Subdivision)**

**Z-2113—WILLIAM J. ABBOTT (I3 TO I2)**

**Z-2114—DANIEL C. & BETH ANN TERRY (I3 TO R1)**

**Z-2115—G & L DEVELOPMENT c/o MARIANNE MITTEN OWEN (OR TO R1)**

Jan Mills seconded and the motion was carried by voice vote.

##### **B. SUBDIVISIONS**

Jeff Kessler moved that the following subdivision petitions be placed on the March 19, 2003 Area Plan Commission Public Hearing Agenda at petitioners' request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

**S-3291—THE ESTATES OF ARBOR CHASE (MAJOR-PRELIMINARY)**

Jan Mills seconded and the motion carried by voice vote.

#### **V. REVIEW AND APPROVAL OF THE MARCH ABZA PUBLIC HEARING AGENDA**

Jeff Kessler moved to place the following petitions on the March 26, 2003 Area Board Of Zoning Appeals Public Agenda.

**1. BZA-1632—JAY JOLLEY/SIGMAN INC.**

2. **BZA-1633—AT & T WIRELESS SERVICES**

Jan Mills seconded and the motion carried by voice vote.

Jeff Kessler moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

1. **BZA-1632—JAY JOLLEY/SIGMAN INC.**

Jan Mills seconded and the motion carried by voice vote.

Jeff Kessler moved that the following petition for Special Exception does not substantially, adversely affect the Comprehensive Plan.

1. **BZA-1633—AT & T WIRELESS SERVICES**

Jan Mills seconded and the motion carried by voice vote.

## VI. DETERMINATION OF VARIANCES

### A. Lafayette Division of the Area Board of Zoning Appeals

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

**#2003-9—SMITH OFFICE EQUIPMENT CO., INC.**

**#2003-10—JANE A. TURNER.**

Jan Mills seconded and the motion carried by voice vote.

Jeff Kessler moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

**#2003-9—SMITH OFFICE EQUIPMENT CO., INC.**

Jan Mills seconded and the motion carried by voice vote.

## VII. REVIEW AND APPROVAL OF THE JANUARY BUDGET REPORT

Jeff Kessler moved to accept the January 2003 Budget Report as submitted. Jan Mills seconded and the motion carried by voice vote.

## VIII. OTHER BUSINESS

## IX. ADJOURNMENT

Jeff Kessler moved to adjourn the meeting. Jan Mills seconded and the motion carried by voice vote.

The meeting adjourned at 4:45 P.M.

### **MEETING RE-OPENED AT 4:47 P.M.**

Jack Rhoda called meeting to order. He stated that he did not allow time for public comment during the subdivision portion of the meeting.

Jeff Kessler moved to put **S-3288—COOK/HALLAR MINOR SUBDIVISION (MINOR-SKETCH)** back on the floor. Jan Mills seconded the motion.

Bernard Wulley, 7109 Goldsberry Road, Battle Ground, IN, stated that he and his wife, Juanita Hull-Pollock, own the adjacent property, Crystal Creek Dog Kennel. He said that over the last 10 years, they have been before the Commission and the ABZA, 3 or 4 times to obtain variances. He mentioned that the kennel has had significant growth over the last few years. He informed the Committee that they are currently considering adding yet another building. He said that expansion has also included a new rescue service for animals. He stated that his point of concern is, the kennel does get noisy. He pointed out that the last time he was before the board, one of the Commissioners commented that it was nice to have a dog kennel with no one complaining. He stated that one of the reasons they chose this site for the kennel was because it was so isolated. He commented that the kennel is very noisy, the new subdivision will be very close and there is not anything that can be done about the noise. He mentioned that they were not aware that this project was going in until they saw the sign posted. He stated that he is not making an objection to the subdivision, but wanted to go on record as saying, it is not in anyone's best interest to go there. He stated that he wanted to go on record and alert the Committee and any relevant officials of the probability of future complaints. He said that if at all possible he would like to avoid the complaints. He informed the Committee that he offered to buy this property several years ago. He reiterated that there is a severe noise factor that everyone needs to be aware of and of the possibility of future expansion.

Jack Rhoda explained that when a subdivision is up before the Committee, the Committee strictly looks at whether or not it meets all the requirements of the ordinance. He stated that if all requirements are met then the subdivision is approved. He mentioned that Bernard Wulley's comments are on record and hoped that Joseph T. Bumbleburg would pass them along to the petitioner.

James Hawley stated that there is a receipt on file for the letter of notification to Bernard Wulley and his family.

Jeff Kessler moved to adjourn the meeting. Jan Mills seconded and the motion carried by voice vote.

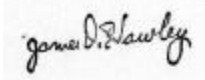
The meeting adjourned at 4:54 P.M.

Respectfully submitted,



Michelle D'Andrea  
Recording Secretary

Reviewed by,

A handwritten signature in black ink, reading "James D. Hawley". The signature is written in a cursive style with a large, stylized "H".

James D. Hawley  
Executive Director